

### **REMARKS**

The Office Action dated April 16, 2007 has been fully considered by the Applicants. The telephone conference among Examiner Lee, the undersigned, and Assignee's representative, Rob Stauder, is gratefully acknowledged.

The Applicants acknowledge the Examiner's comments regarding the non-publication request and confirm their recission of the non-publication request.

Applicants note the Examiner's objections to the drawings and the Examiner's comments under 35 U.S.C. §112. In response thereto, Applicants have amended independent Claims 1 and 10 to clearly convey that the threaded bolts which create a fluid tight fit pass through threaded openings in both the closed top of the locking screw and through the cylindrical walls of the locking screw. Accordingly, it is believed that the §112 issues have been addressed. Additionally, it is believed that the drawings as filed reflect the claims as now amended.

Independent Claim 1 and independent Claim 10 have also each been amended to include the limitations of Claim 5 which sets forth a locking ring with internal threads and a plurality of removable fasteners between the locking ring and the module block in order to secure the locking ring to the module block. Accordingly, dependent Claim 5 has now been canceled.

The rejection of the claims, under 35 U.S.C. §103, as now amended, as being unpatentable over Reed (U.S. Patent No. 5,605,449) in view of Smith (U.S. Patent No. 3,235,272) and further in view of King (U.S Patent No. 5,362,215) is respectfully traversed. The combination of Reed, Smith and King, taken together, does not reach the limitations of the claims as now amended.

Initially, the valve cover locking screw of the present invention has a closed top (Claim 1, lines 4-5) which is in contrast to Smith wherein the valve cover has a central opening therethrough. Smith is a standard plug valve with a shank 30 of the plug extending through the valve cover locking

screw. Accordingly, the use of threaded bolts in Smith through the cover plate 14 would not result in the claim limitations as set forth in independent Claims 1 and 10.

Tightening of the threaded bolts 24 in Smith would not create a seal which “forces said valve cover against said module block. . .” as claimed.

Additionally, as now amended, Claims 1 and 10 each convey that the threaded bolts pass through both the closed top and the cylindrical walls of the locking screw. The threaded bolts in Smith do not pass through both the closed top of the locking screw and through the cylindrical walls of the locking screw. The threaded bolts in Smith do not pass through the cylindrical walls at all. Stated in other words, even if a designer knew of the threaded bolts 24 in Smith, they would not know to pass them through the cylindrical walls. Accordingly, application of Smith and Reed together would not result in the limitations as set forth in Claims 1 and 10.

Moreover, it is submitted that Smith would be non-analogous art to the reciprocating pump module block of the present invention. Smith is directed to a plug valve to selectively seal off a passage wherein the present invention is directed to an access port for a reciprocating pump module block. Smith is directed to different classes and subclasses and would not be within the knowledge of a designer of reciprocating pumps or reciprocating pump module blocks.

In addition, the threaded bolts of Smith do not engage a valve cover which closes the bore. Instead, the threaded bolts in Smith engage a floating thrust collar or gland 20 which does not close off the valve cover against the module block to create a fluid tight seal. Accordingly, the application of Smith with Reed does not reach the limitations of the present invention.

Moreover, the Examiner properly notes in the Office Action that neither Smith nor Reed discloses a locking ring. As now amended, both Claims 1 and 10 include limitations of a locking

ring and removable fasteners to secure the locking ring to the module block. While King discloses a locking ring and fasteners, it is otherwise dissimilar.

In summary, the combination of Reed, Smith, and King taken together do not reach the limitations of the claims.

Finally, the combination of three disparate patent references is untenable. It is improper to combine references to achieve the invention under consideration unless there is some incentive or suggestion in the references to do so.

The Court of Appeals for the Federal Circuit has repeatedly held that under Section 103, teachings from various references can be combined only if there is some suggestion or incentive to do so. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 221 USPQ 929 (CAFC 1984).

Stated another way:

It is impermissible, however, simply to engage in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps...The references themselves must provide some teaching whereby the applicant's combination would have been obvious. In re Gorman, 18 USPQ2d 1885 (CAFC 1991).

The Examiner is required to follow the law as set forth by the Federal Circuit. In summary, the combination of patents to achieve the claims of the present invention is untenable.

The combination of Smith is also impermissible for an additional reason. Smith is directed to non-analogous art which does not qualify as a prior art reference. Prior patent references only qualify as prior art for an obviousness determination when analogous to the claimed invention. In re Clay, 966 F.2d 656,658 (Fed. Cir. 1992). Two separate tests define the scope of analogous prior

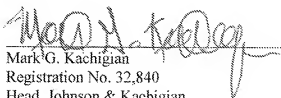
art: (1) whether the art is from the same field of endeavor, regardless of the problem addressed and, (2) if the reference is not within the field of the inventor's endeavor, whether the reference still is reasonably pertinent to the particular problem with which the inventor is involved. In re Deminski, 796 F.2d 436, 442 (Fed. Cir. 1986). In the present case, Smith is directed to a plug valve that regulates fluid flow and is non-analogous art to a valve cover which provides access to a reciprocating pump (this is also confirmed by the different Patent Office class and sub-class of Smith). The present invention is directed to a valve cover where the term "valve" is defined as a cover plate.

The term "valve" set forth in the claims is capable of alternate definitions. As seen in the attached dictionary definition, the valve of Smith conforms to the first definition of "valve" in the dictionary. The definition in 3(b) of a covering plate of one of two or more external pieces forming a sheath is closer to the definition of the claimed invention.

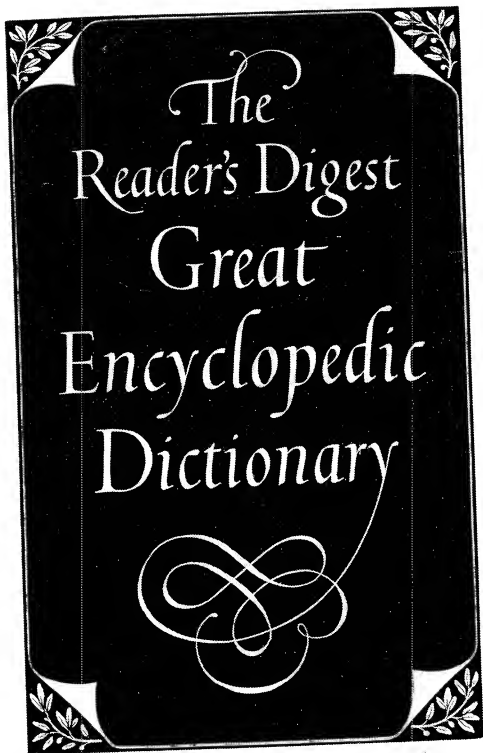
The remaining claims are all dependent on Claims 1 and 10, include all of the limitations thereof, and are believed allowable for all of the same reasons.

It is believed the foregoing is fully responsive to the outstanding Office Action. If any issues remain, a telephone conference with the Examiner is respectfully requested.

Respectfully submitted,

  
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